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EXAMINER

ROSWELL, MICHAEL

ART UNIT PAPER NUMBER

2173

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/837,767

Applicant(s)

CAMARA ET AL.

Examiner

Michael Roswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,9-11,13,17-19 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,9-11,13,17-19 and 21-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1-12-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 5, 9-11, 13, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Dwyer et al (U.S. Patent 5,706,457), hereinafter Dwyer.

Regarding claim 1, Dwyer teaches a method for transferring an image from an imaging source device to a destination in a computer system having more than one possible destination for the images, where at least two of the possible destinations are alternative hardware devices, taught as an image display system in communication with an imaging device that provides for multiple source acquisition and multiple destination distribution of image and document data, at col. 1, lines 7-9 and Fig. 1. Dwyer also teaches selecting one of the possible destinations at a user interface and automatically transferring the image to the selected destination in response to the selection, taught as the use of automated tools to backup image data to digital audio tape, a magneto-optical disk, send data via a modem, or send data to a printer, at col. 5, lines 3-18.

Regarding claim 2, Dwyer describes that, "the image display system integrates a variety of commercial software packages" (col. 3, lines 3-4). It is inherent that the instructions for performing the method of Dwyer are stored in at least one of the memory devices in computer 11 (Dwyer, Figure 1).

Regarding claim 3, Dwyer states, "the image editor **32b** is run **162** to create an album **38** of the images" (col. 8, lines 32-33). Then, "the operator is prompted **174** to determine if the selected album **38** is to be removed from the hard disk drive **5** to the removable disk" (col. 8, lines 47-49). Therefore, Dwyer's invention stores the image on the computer's hard disk before transfer to a destination.

Regarding claim 9, Dwyer teaches a method for transferring an image from an imaging source device to a destination in a computer system having more than one possible destination for the images, where at least two of the possible destinations are alternative hardware devices, taught as an image display system in communication with an imaging device that provides for multiple source acquisition and multiple destination distribution of image and document data, at col. 1, lines 7-9 and Fig. 1. Dwyer also teaches selecting one of the possible destinations at a user interface and automatically transferring the image to the selected destination in response to the selection, taught as the use of automated tools to backup image data to digital audio tape, a magneto-optical disk, send data via a modem, or send data to a printer, at col. 5, lines 3-18. Furthermore, Dwyer states, "the image editor **32b** is run **162** to create an album **38** of the images" (col. 8, lines 32-33). Then, "the operator is prompted **174** to determine if the selected album **38** is to be removed from the hard disk drive **5** to the removable disk" (col. 8, lines 47-49). Therefore, Dwyer's invention stores the image on the computer's hard disk before transfer to a destination. Dwyer also teaches prompting a user to select a possible destination, taught as the interface prompting a user to select a printer to which the image will be printed, at col. 9, lines 27-28.

Regarding claims 5 and 13, Dwyer teaches the selection of a destination from a group of possible destinations comprising a printer, CD-write device, web site, and an email recipient, taught as the distribution of images to either a printer, magneto-optical devices, or other storage, at col. 1, lines 48-52.

Regarding claim 10, Dwyer describes that, "the image display system integrates a variety of commercial software packages" (col. 3, lines 3-4). It is inherent that the instructions for performing the method of Dwyer are stored in at least one of the memory devices in computer 11 (Dwyer, Figure 1).

Regarding claim 11, Dwyer teaches a computer-readable medium of the computer being a hard disk or removable memory, taught as the possible transfer of images from a hard disk to a removable storage device, at col. 8, lines 47-49.

Regarding claim 23, Dwyer's Figure 1 illustrates a computer (item 11) in communication with an imaging device (item 25). Dwyer goes on to state his invention as "an image display system that provides for multiple source acquisition and multiple destination distribution of image and document data" (col. 1, lines 7-9). Dwyer states, "the present invention receives image data via a modem, magneto-optical disk, digital camera, or digital audio tape" (col. 1, lines 65-66). Dwyer's invention further transfers the image data from the source to the destination by "automatically archiving or printing the files" (col. 4, lines 29-30), and thus sends the image to an external destination, the printer. Dwyer discloses, "the operator is prompted 203 to select a printer" (col. 9, lines 27-28) before "the image is then printed" (col. 9, line 33). Therefore Dwyer's invention receives a selected destination from the user and then transfers

the image to the destination. Dwyer states, "the image editor **32b** is run **162** to create an album **38** of the images" (col. 8, lines 32-33). Then, "the operator is prompted **174** to determine if the selected album **38** is to be removed from the hard disk drive **5** to the removable disk" (col. 8, lines 47-49). Therefore, Dwyer's invention stores the image on the computer's hard disk, a computer-readable medium, before transfer to a destination. Furthermore, Dwyer discloses an image helper program module in disclosing "the image display system integrates a variety of commercial software packages" (col. 3, lines 3-4) that are used in the transfer of the images, as shown in Figure 1, Item 32a.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer and Agarwal et al (U.S. Patent 6,509,910), hereinafter Agarwal.

Regarding claim 17, Dwyer teaches a method for transferring an image from an imaging source device to a destination in a computer system having more than one possible destination for the images, where at least two of the possible destinations are alternative hardware devices, taught as an image display system in communication with an imaging device that provides for multiple source acquisition and multiple destination distribution of image and document data, at col. 1, lines 7-9 and Fig. 1. Dwyer also teaches selecting one of the possible destinations at a user interface and automatically transferring the image to the selected destination in response to the selection, taught as the use of automated tools to backup image data to digital audio tape,

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a magneto-optical disk, send data via a modem, or send data to a printer, at col. 5, lines 3-18. Furthermore, Dwyer states, "the image editor **32b** is run **162** to create an album **38** of the images" (col. 8, lines 32-33). Then, "the operator is prompted **174** to determine if the selected album **38** is to be removed from the hard disk drive **5** to the removable disk" (col. 8, lines 47-49). Therefore, Dwyer's invention stores the image on the computer's hard disk before transfer to a destination. Dwyer also teaches prompting a user to select a possible destination, taught as the interface prompting a user to select a printer to which the image will be printed, at col. 9, lines 27-28.

However, Dwyer fails to explicitly state the transfer of images to a storage site on a network identified by a network browser running on a computer system.

Agarwal teaches a system for sharing data such as image files between members on a network and between networks. Furthermore, Agarwal shows the selection of a network destination through a network browser (such as the selection of a user on a share list, at col. 17, lines 1-10). The destination functions as a storage site, by receiving and storing a copy of the shared object, at col. 18, lines 1-5.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Dwyer and Agarwal before him at the time of the invention to modify the image transfer system of Dwyer to include the network destination capabilities of Agarwal, in order to obtain a system for image transfer where images may be sent to network destinations.

One would be motivated to make such a combination for the advantage of sharing data with a plurality of users quickly and efficiently.

Regarding claim 18, Dwyer describes that, "the image display system integrates a variety of commercial software packages" (col. 3, lines 3-4). It is inherent that the instructions

for performing the method of Dwyer are stored in at least one of the memory devices in computer 11 (Dwyer, Figure 1).

Regarding claim 19, Dwyer discloses using a digital camera or an optical scanner as image source device, at col. 1, lines 43-48.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer, Agarwal, and Slik et al (U.S. Patent 5,809,145), hereinafter Slik.

Regarding claim 21, Dwyer and Agarwal have been shown to teach an image transfer method with network data transfer capabilities for storing image data at selectable network storage sites.

However, Dwyer and Agarwal fail to explicitly teach the use of a plug-in module for transferring an image to a selected storage site.

Slik discloses a system for distributing digital information among a plurality of customers, similar to the network capabilities of Agarwal. Slik further teaches the use of plug-in modules adapted to transfer an image to a storage site, taught as the use of at least one module for maintaining data location on a network drive or various other storage locations, at col. 4, lines 16-23.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Dwyer, Agarwal, and Slik before him at the time the invention was made to modify the image transfer system with network data transfer capabilities of Dwyer and Agarwal with the plug-in module architecture of Slik in order to obtain a system for image transfer over a network where the browser includes plug-ins to facilitate data transfer.



One would be motivated to make such a combination for the advantage of the architectural flexibility offered by plug-in modules. See Slik, col. 3, lines 49-53.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer, Agarwal, Slik, and MacNaughton et al (U.S. Patent 5,796,393), hereinafter MacNaughton.

Dwyer, Agarwal, and Slik have been shown *supra* to present a user with a plurality of destinations, wherein a loaded plug-in module is one of a plurality of plug-in modules adapted to transfer an image from an imaging source device to a destination, and is loadable by an image helper program.

Dwyer, Agarwal, and Slik fail to explicitly teach an on-line web community as an image destination.

MacNaughton teaches a browser capable of transferring files to selected destinations, similar to that of Dwyer and Agarwal. Furthermore, MacNaughton teaches the transfer of files to and within an on-line web community (col. 4, lines 19-24).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Dwyer, Agarwal, Slik, and MacNaughton before him at the time the invention was made to modify the image transfer system of Dwyer, Agarwal, and Slik to include the on-line community of MacNaughton as a destination, in order to obtain a system of image transfer capable of transferring data to an on-line community.

One would be motivated to make such a combination for the advantage of sharing data with a plurality of users quickly and efficiently, as offered by network capabilities and an on-line community.

Claims 24-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer and Slik.

Regarding claims 24, 25, and 26, Dwyer has been shown to disclose a system for image transfer.

However, Dwyer does not teach the inclusion of a plug-in module to aid in image transfer.

Slik discloses the use of plug-in modules, wherein the module is adapted to the transfer of an image, communicates through a standard application-programming interface, and includes a plurality of modules, at col. 4, lines 16-23.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Dwyer and Slik before him at the time the invention was made to modify the image transfer system of Dwyer with the plug-in module architecture of Slik in order to obtain a system for image transfer where plug-ins facilitate data transfer.

One would be motivated to make such a combination for the advantage of the architectural flexibility offered by plug-in modules. See Slik, col. 3, lines 49-53.

Regarding claim 27, Dwyer has been shown to disclose a system for image transfer.

However, Dwyer does not teach the inclusion of a plug-in module to aid in image transfer.

Slik discloses the use of plug-in modules, wherein the module is adapted to the transfer of the image and communicates through a programming interface at col. 4, lines 16-23.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Dwyer and Slik before him at the time the invention was made to modify the image

transfer system of Dwyer with the plug-in module architecture of Slik in order to obtain a system for image transfer where plug-ins facilitate data transfer.

One would be motivated to make such a combination for the advantage of the architectural flexibility offered by plug-in modules. See Slik, col. 3, lines 49-53.

Regarding claim 28, Dwyer further discloses an "image editor" that "is used to copy contents of the disk to the hard disk" and "acquire an image from the disk [the source device disk]" (Figure 3, Items 55 and 60). Dwyer also states "the macro then launches **55** the image editor **32b** which is used to copy the contents of the magneto-optical disk to the desktop **17**" (cols. 5, 6, lines 67, 1-2), the macro being stored on computer **11** (Figure 1). This is similar to Applicant's claim 28, wherein a still-image processing layer facilitates the transfer of the image from the imaging source device to the destination.

Regarding claims 29, 30, 31, and 32, Dwyer has been shown to teach a method for transferring and image from a source device to a destination, wherein the image is stored on the computer's hard drive before transfer, the destination is a printer, and the destination is a CD-write device.

However, Dwyer does not disclose the inclusion of plug-in modules into such a method.

Slik et al have been shown to include plug-in modules adapted to the transfer of image data, at col. 4, lines 16-23.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Dwyer and Slik before him at the time the invention was made to modify the image transfer system of Dwyer with the plug-in module architecture of Slik in order to obtain a system for image transfer where plug-ins facilitate data transfer.

One would be motivated to make such a combination for the advantage of the architectural flexibility offered by plug-in modules. See Slik, col. 3, lines 49-53.

### ***Response to Arguments***

The Examiner respectfully withdraws the cited Section 103 rejection of claim 28, due to the error noted by Applicant.

Applicant's arguments filed 9 April 2004 have been fully considered but they are not persuasive.

Regarding the Section 102 rejection arguments, the Examiner contends that Dwyer does disclose images being automatically stored in different storage devices as recited in independent claims 1, 9, 17, 23, 27, and 29. Dwyer clearly discloses transferring images to multiple selectable devices, such as digital audiotape and printers, in response to a user selection of a destination. See col. 5, lines 3-18. Furthermore, Applicant states that Dwyer fails to teach automatically transferring images to selected destinations due to the fact that Dwyer first stores image data to an "album" on a hard disk. The Examiner contends that although the images are first stored locally, the end result of a user's destination selection is the same: images previously on an imaging source device are transferred to a destination in response to a user selection.

Regarding the Section 103 rejection arguments, The Examiner contends, as stated above, that Dwyer teaches automatically transferring images to a selected destination chosen from multiple destinations. However, Dwyer does fail to implicitly teach transferring images to a selected storage site on a network via a browser. Newly cited prior art, necessitated by

amendment, provides an obvious modification to Dwyer that includes transferring images via a network browser.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell  
7/1/2004



CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER